

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">vs.</div> LUIS COMMENDADOR-BAEZ, <div style="text-align: center;">Defendant.</div>))))))))))	8:16R122 ORDER
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This matter is before the court on the motion to continue by defendant Luis Commendador-Baez (Commendador-Baez) (Filing No. 45). Commendador-Baez seeks a continuance of the trial of this matter was scheduled for October 11, 2016. Commendador-Baez's counsel represents that Commendador-Baez will file an affidavit wherein he agrees to the motion and understand the time needed for the motion will be excluded under the computations of the Speedy Trial Act. Commendador-Baez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Commendador-Baez's motion to continue trial (Filing No. 456) is granted.
2. Trial of this matter is re-scheduled for **January 9, 2017**, before Judge Robert F. Rossiter, Jr., and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 6, 2016, and January 9, 2017**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 6th day of October, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge